

Pages
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Brief in Support of Plaintiff's Motion for partial Summary Judgment "Statement of Facts & Case"

This is A § 1983 Action Filed by an offender made A ward of the State of Wisconsin Department of Corrections seeking damages, a declaratory judgment and injunctive relief for the Unconstitutional, questional Deliberately Indifferently infringements unto plaintiff's 1st 8th and 14th Constitutional Rights by the named defendants Due unto plaintiff inmate, Naturally born Characteristic Life Long lived male unto female Life long Overt Transgendered Expression in which is Clinically Diagnostically named Gender Identity Disorder in which is declared a Serious medical Condition by Both many Courts as well as the medical Clinical Diagnosticians In this motion the plaintiff seeks Summary Judgment for the Deliberately Indifferent Long run Denials of Adequate Medical Cares and Treatments implementative for her well known unto All named defendants suffering of Gender Dysphoria in which vitally meritorious Exhibits "A" through "H H H H" before this court so sets forth plaintiff so Cruel out for for years from year 2012 through, year 2015 before she sought redress From Court.

Statement of facts (Page 2 of 5)
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As set forth in the Accompanying declaration of the plaintiff Mrs. Roy Mitchell Award of the State of Wisconsin Department of Correction by the State Court a life long lived Overtly male unto female Transgendered Expressive Human Being suffering Severely Gender Dysphoria Symptoms Associated with persons so Diagnosed with Gender Identity Disorder plaintiff cried out unto the Named Defendants from year 2012 through year 2015 the Attached Court Record Exhibits "A" through "HHHH" meritoriously so sets forth plaintiff repeatedly cried out unto the Named Defendants for Adequate treatment implementative's "to Help her Cope with the Severe "Dire" Symptoms Associated with her Gender Identity Disorder plaintiff the Courts Records supports was met with Non-Chalance Continued Deliberately Indifference pertaining unto her receiving sound move ment from the Named Defendants for her Diagnosis G.I.D. In fact Court Records will support even Dispute the Named Defendants very own Hired forensic and Human Services Consultants →

Very Highly recommendational report Dated
9-27-2012 see Exhibit "G G G G" plaintiff
was subjected in pure bad faith, ill will-
ed, unto total contrary of Adequate tr-
eatment implementative Care for her
Serious medical Condition Life long
lived Diagnoses and was immorally
ordered from 1-8-2013 through 8-11-2014
to repress her Natural born Character-
istic innate female self She was socie-
tized Exhibits "A" through H/H/H will vitally
set forth to present as and dress as a man
not to seek out any forms of treatments
on her very own for her Serious medical
Conditional Diagnosis Gender Identity Disorder
by named Defendant's in whom courts records
so sets forth All reviewed All of plaintiff's
protected medical and psychological mental health
records and named Defendant's very own forensic
and Human Services Consultant Mrs Cynthia Osborn
final recommendational report unto named defen-
dants on 9-27-2012 so setting forth (please see
Exhibit "G G G G") immediate treatments
for plaintiff Serious medical Condition is
warranted to help plaintiff a Near Death
Hate Crime survivor Court Records will set
forth Suffering from Also a Diagnosis of Chronic
Post Traumatic Stress Disorder Cope with
the Severities of her Diagnosis

from the Serious medical Conditional Diagnosis G.I.D.
in which even the record supports (See Exhibits
"A" through "H H H H" plaintiff she fears was met
with continued non-balance prejudicially
motivated standings by the named Defendants
in which today did not afford plaintiff none
of the very needed treatments implementa-
tives as so set forth by their very own
Hired forensic and Human Services Con-
sultant, MS. Cynthia Osborne DATED 9-27-
2012 in which soundly also recommended
followup care aides upon plaintiff 1-8-2013
release unto community supervision from
the Columbia Correctional Institution
please see Exhibit "H H H H" page 26 very
last paragraph on page in which the records will set forth
plaintiff was not assisted in this upon her release
unto named defendants on 1-8-2013 through 8-11-2014
in which prior unto plaintiff's release from
Columbia Correctional Institution on 12-12-2012
per these named defendants request plaintiff
released all of her medical and psycholo-
gical services protected health information
unto named defendants community supervision
over seeing plaintiff during her community
status Award of state of Wisconsin Department
of Corrections status including Consultant's
Cynthia Osborne's recommendational
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report unto Named Defendants and get plaintiff off was subjected unto the contrary Courts records supports and had faithfully ordered to present as and dress as a man, Classified a "Deviate" and so ordered to not seek out any forms of treatments for her Gender Identity Disorder Diagnosis on her very own, from 1-8-2013 through 8-11-2014 Exhibits "A" through "H H H H" meritoriously sets forth before this Court plaintiff the Courts records supports reached out unto Named Defendants and head Supervisory State of Wisconsin Department of Corrections Secretaries DATING BACK unto year of 2012 concerning this matter then Sitting Secretary GRAY Hamblin and Newly Sitting Secretary Edward F. Wall (please see Case: Hicks v. Frey, 992 F.2d 1450, 1455 (6th Cir. 1993) so nothing that an official may be held liable for failure to supervise and control subordinates even though the official was not directly involved see: Sira v. Morton, 380 F.3d 57, 80 (2d Cir. 2004); Wright v. Smith, 21 F.3d 496, 502 (2d Cir. 1994); Lewis v. Smith, 855 F.2d 736, 738 (11th Cir. 1988); King v. Higgins, 702 F.2d 18, 21 (1st Cir.); Holding that a supervisor may be held personally responsible, for the deprivation of constitutional rights if Inter Alia, the Supervisor was Aware of the unconstitutional deprivations, Allowed them to continue. (may you please continue on next page) →

Argument

(Pages 1 through 7
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Named defendants Unconstitutionally Questionably, Immorally Deliberately Indifferently, in pure Non-Chalance Standing Bad faith Subjected plaintiff unto Atypical and significant Hardships due unto their personal bias and belief Standings of plaintiff innate Natural born Characteristic Clinical Diagnostic Gender Identity Disorder at one point the Court's records so factually sets forth between the Dates of 8-2013 through 8-11-2014 referring unto plaintiff Gender Identity Disorder Diagnosis as making her a "Deviate" so forcing her to reside in an unstable unsafe, unrehabilitative very well known drug, and crime infested environment in pure Bad faith, ill-willed Standing unto plaintiff a male unto female Transgendered Overly Expressive lifelong lived person in which on 2-22-2015 so subjected, plaintiff unto Sexual Assaults please see Exhibit "H A H H" in which is very Adversely Detrimental unto plaintiff well being well known unto these named Defendants a Hate Crime Survivor suffering from Chronic Post Traumatic Stress Disorder symptoms on top of her

"dire" Symptoms Associated with her Gender Identity Disorder Diagnoses plaintiff fears and the Courts records very strongly vitally meritoriously supports that from year 2012 through year 2015 plaintiff was met with non-balance bad faith stance from the named defendants concerning her continued out cries for treatments implementative Aides Associated with plaintiff Diagnosis G.I.D. and the severity of her Gender Dysphoria Associated with this Diagnosis again Exhibits "A" through "H H H H" so soundly meritoriously sets forth today the records will set forth in reference unto the named Defendants very own Hired forensic and Human Services Consultant MS. Cynthia Osborne final Highly recommendational report Dating Back unto year 2012 plaintiff has not been Afforded by the named Defendant's No forms of very needed treatments implementatives as Highly referred by recommended unto the named Defendants by their very own Hired forensic and Human Services Consultant in which the records supports plaintiff, Awarded by the State unto the care of the named Defendants constantly persistently so cried out for Adequate Treatments for her "dire" Symptoms she suffers (may you please continue on next page) →

and failed to properly remedy the matter in which this court's records so sets forth Defendant Hamblin nor will responsibility followed up in reference unto plaintiff many outcry correspondence unto their office begging for help with Subordinates Affording her Adequate treatments implementative cases for her Serious medical conditional Gender Identity Disorder, nor did named Defendant Dr. Kevin Kallas a member of the Department's very own Gender Dysphoria Committee as it is newly re-named in reference unto plaintiff Numerous correspondence unto his office The Courts Records supports crying out for Assistance for her G.I.D Gender Dysphoria Severe Symptoms Defendant Dr. Kevin Kallas ALSO so failed to Adequately being his over whelming Education unto this Diagnosis so being he participated in the Fields v. Smith, 712 F.Supp. 2d 830 (2010) Case pertaining unto this very matter before the United States District Court for Eastern District of Wisconsin plaintiff so sets forth Case Cite: Grates v. Cook, 376 F.3d 323, 343 (5th Cir. 2004) Holding Deliberate, Indifference finding supported by "Obvious and pervasive" of challenged Condition Also see: Haley v. Gross, 86 F.3d 630, 641-42 (7th Cir. 1996); LaMarca v. Turner, 995 F.2d 1526, 1536-37 (11th Cir. 1993) evidence that "Painted (may you please continue on Reverse side) →

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a picture that would be apparent to any knowledgeable observer" supported an inference of knowledge on the defendants' please
See: *GOKA v. Bobbit*, 862 F.2d 646, 657
(7th Cir 1988) the eighth Amendment is violated
where Defendants know of the danger or where
the threat of violence is so substantial or
pervasive that their knowledge could be in-
ferred, and yet defendants failed to take reason-
able steps which would have prevented the
harm, please note and court's records vitally
support named defendant's were well aware
of the dangers forcing plaintiff an
overly male unto female Transgendered
Expressive Human being to reside in the
males Homeless shelter, Dating Back unto
year 2014 when State of Wisconsin Division
of Hearings & Appeals Residing Administrative
Law Judge finding of facts Conclusion
of the law order please see Judge Beth
Whitaker July 2017 order unto named
defendants so setting forth the unstable,
unsafe "joke" unhabilitative environment
unto plaintiff a male unto female Expressive
person and yet Despite the fact the
named Defendants maintain a POGS
Purchase of Goods and Services fund
as set forth in State of Wisconsin Department of
(now you please continue on next page) →

Corrections Division of Community Corrections

Chapter: Supervision policy number: 06.10. please see Attached Exhibit "H H H H" pages (4) through (13) in which SO sets forth and also in Authority with Wisconsin Statute 301.08 and Wisconsin Administrative Code DOC 328.12 See Attached Exhibit "H H H H" pages (4) through (13) in which SO sets forth the Department of Corrections Community Supervision field offices maintain allocated funds to assess offenders under their Court award Cares during Emergency Housing needs etc. in which plaintiff so met all of the policy requirements and was not in pure Bad faith Deliberately Indifferently Standing by the named Defendants in which were well aware of emergency allocated funds into their controls so forced plaintiff to yet again in year 2015 reside at the males Shelter a well known drug, gang, Crime infested environment in which subjected plaintiff into the 'Dire' surroundings and Circumstances of this well known into All named Defendants Environment in which plaintiff became subjected into Sexual Assaults Countless unwarranted perverted Sexual Advances, witnessing Drug & Alcohol heavy usage by other occupants of this environment in which triggered plaintiff

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Chronic post traumatic Stress Disorder
Symptoms of flashbacks, Nightmares,
Severe panic and Anxiety Attacks in which
upon Plaintiff repeated complaints unto Named
Defendants she was met with in retaliatory
prejudicial, motivatedly immorally un-
humanitarianly, Non-Chalance Standing
Bad faith and so ordered to stay there
or else face penalties imposed by
Named Defendants Please see Attach-
ed Exhibits "A" through "H H H H" please
See Also Greene v. Bowles, 361 F.3d 290, 294-95
(6th Cir. 2004) forcing transgendered offenders in
well known threatening and unsafe environ-
ment well known unto Named Defendants
prior unto placement. See: Farmer v. Brennan
511 U.S. at 842 The Seventh circuit has Ackno-
wledged that Farmer Overruled some of its prior
decision holding that the official need not
be shown to have intended the harm that
occurred See: Haley v. Gross, 86 F.3d 630, 641
(7th Cir. 1996); Farmer sets forth serious damage
to offenders future Health is Actionable
See: Pennsylvania Dep't of Corrections v. Yeskey
524 U.S. 206, 118 S. Ct 1952 (1998); Crawford
v. Indiana Dep't of corrections, 115 F.3d 481,
486 (7th Cir. 1997) Rights Against Discrimination
are Among the few rights prisoners do not Park
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at the prisons gates, prisoners have interest in access to the programs, services. Also See: Houston v. Sidley & Austin, 185 F.3d 837, 838 n. 1 (7th Cir. 1999) so setting forth Exhibits "A" through "H H H H" meritoriously supports plaintiff facts so set forth in Complaint and pleadings before this Court, See: Greear v. Boulder Community Hospital, 844 F.2d 764, 766 (10th Cir. 1988) so pleading unto Court to accept plaintiff's written submissions due unto fact to state plaintiff current Circumstance, held in Dane County Jail by order of named defendant plaintiff Does not have Access unto Community generated word processing and or type writer due unto fact the facility Does not Afford such services. Named defendants are responsible for the unconstitutional infringements imposed unto plaintiff due unto the fact and the courts records support's there was no courses so taken to correct them from 1-8-2013 up into year 2015 See: Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 106 S.Ct. 2505 (1986) Summary Judgement is to be granted only if the record before the court shows no genuine issues as unto any material fact in which the record supports there are plaintiff so pleads for Summary Judgement relief. H Roy Mitchell
115 west Doty Street Madison, Wisconsin 53703 DATED: 11/17/15

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